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022126Z Aug 05

UNCLAS SECTION 01 OF 02 OTTAWA 002331

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SUBJECT: CANADA: MARIJUANA DECRIMINALIZATION BILL LOSING
MOMENTUM?

1. (SBU) SUMMARY: The marijuana decriminalization bill (C-17), which began the Parliamentary term as the potential next big issue on the Liberal agenda, appears to have lost steam. Opinion on C-17 is split between activists who suggest it does not go far enough, and prohibitionists who say it goes too far. Momentum on the bill slowed considerably toward the end of the last session of Parliament, and no federal leaders are giving any indication they intend to support or push the bill. It appears now that C-17 does not have the support of any significant interest group, and without a champion, it does not seem likely marijuana decriminalization will rush out of the gate in the fall. END SUMMARY

2. (SBU) The Hill Times, a newspaper that covers political news and activity on Parliament Hill reports there is little support for C-17, and players on both sides of the issue are actively criticizing the bill. Lobbyists have identified serious flaws in the legislation, and groups that otherwise have very little in common are agreeing the bill should be killed. In its current form, C-17 would replace criminal charges with fines for simple possession of up to 15 grams and increase penalties for marijuana production.

Legislative History

3. (SBU) C-17, the Marijuana Decriminalization Bill, is technically titled, "An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act and to make Consequential Amendments to Other Acts." The Minister of Justice, Irwin Cotler, introduced the bill on November 1, 2004. The bill was forwarded to the House of Commons Committee on Justice, Human Rights, Public Safety and Emergency Preparedness on November 2, and has made no progress since. This is the third decriminalization bill introduced by the Liberal Government. The last attempt was Bill C-38 of the 37th Parliament, Session 2. That bill was introduced in May 2003 and died when that session ended in November 2003.

The Current Problem

4. (SBU) C-17 received specific attention in the October 2004 Speech from the Throne that began the current session of Parliament. Since that time there has been no leadership on the issue from the Prime Minister, the Minister of Justice or any other Liberal Member of Parliament, save the occasional solicited comment. At the Liberal Party Convention in March, marijuana decriminalization was a hot topic, but unlike the same-sex marriage issue, which was also highly emotional, this attention did not carry through to activism in the House of Commons.

Opponents make their cases

5. (SBU) Many interest groups from both sides of the argument have come forward to point out why C-17 does not work. Marijuana activists and prohibitionists are finding themselves in agreement that they do not want to see the bill pass. This does not bode well for a bill that is also suffering from a distinct lack of political support from the government. Some examples of public positions on the bill include the following:

-- Canadians For Safe Access (CFSA) (Director, Phillippe Lucas) a medicinal marijuana lobby group, believes the provisions of the bill appear directed at young men and complains it may be directed a poorer Canadians who cannot afford to pay fines.

-- The Canadian Foundation for Drug Policy (CFDP) (Executive Director, Eugene Oscapella) agrees the bill is flawed, and suggests the Liberals may be planning to force it through in order to put the issue behind them. If it is allowed to die, Oscapella is hopeful the NDP and Bloc Quebecois will force the Liberals to formulate yet another attempt.

-- The Canadian Professional Police Association (CPPA) (President, Tony Cannavino) is also happy the bill has stalled. The CPPA notes the bill sends the wrong message compared to other anti-drug strategies and questions the 15-gram figure the C-17 terms as simple possession. Cannavino says that in discussions with MPs it is clear that 90-95% do not realize that 15 grams equals between 30 and 50 joints, an amount the police characterize as a trafficking amount, not simple possession.

-- The Canadian Association of Chiefs of Police (CACP) (Chris McNeil - Halifax Regional Municipality Police, Drug Committee Chair) objects to the bill in its current form, but admits there is room for reform in marijuana laws. The CACP says any new law must protect police discretion in laying charges, and notes the anti-grow-op provisions of C-17 will simply force organized crime to divide their operations into smaller units.

-- The Canadian Centre for Substance Abuse (CCSA) (Patricia Begin, Policy Director) is the one organization known to be supporting the bill. Even the CCSA states the government must be very careful with messaging any new law, because they are already encountering young people who believe the bill alone has made marijuana legal.

-- Alan Young, a marijuana reform advocate from Osgoode Hall Law School points out that a key problem is the number of interest groups who want to see lessening restrictions and easier access to marijuana, medicinal or otherwise. He points out that in the same-sex marriage debate, the gay community was able to present a united and coordinated effort that made their lobbying very effective and ultimately successful. He says the pro-marijuana community has a long, long way to go before it presents the same kind of unity. He goes as far as to call their efforts "fairly inept." Young says that until the marijuana movement can find a spokesperson from the mainstream, he does not expect any related legislation will make much progress.

16. (SBU) C-16 is considered by some to be companion legislation to C-17. C-16 clarifies that impaired driving laws cover drugs as well as alcohol consumption. C-16 is making progress in the legislative system and some observers point out that its provisions for taking blood samples and detaining persons police believe may have or intend to operate a vehicle while under the influence of drugs may provide an effective counter balance to the perception of lessening sanctions if C-17 passes.

17. (SBU) COMMENT: Given the number of diverse groups that have come forward to note their objections to C-17 it seems reasonable to expect that, if the Government decides to push the bill in the fall, it will be in for a rough ride. The law enforcement community is concerned that C-17's provisions will reduce the discretionary power of police, and encourage organized crime to simply change their production methods. Marijuana activists suggest increased penalties for producing marijuana will only reinforce the black market, and a fine system for simple possession will unfairly target the poor. In this minority Parliament it seems that only the truly consensus bills are passed, and this government will not be likely to expend too much capital on a controversial bill without a strong constituency backing it up. END COMMENT

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